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FM AMEMBASSY SARAJEVO  
TO RUEHC/SECSTATE WASHDC 9964  
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE  
RHEHNSC/NSC WASHDC  
RUEAIIA/CIA WASHINGTON DC  
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C O N F I D E N T I A L SECTION 01 OF 02 SARAJEVO 000386

SIPDIS

EUR/SCE (HYLAND, FOOKS); NSC FOR HELGERSON; OSD FOR BEIN

E.O. 12958: DECL: 03/27/2019

TAGS: [PREL](#) [PGOV](#) [PINR](#) [KDEM](#) [BK](#)

SUBJECT: BOSNIA - BRCKO AMENDMENT PASSES: A VICTORY FOR  
BRCKO, BOSNIA, AND THE USG

REF: A. SARAJEVO 279

[1](#)B. SARAJEVO 174

[1](#)C. SECSTATE 25264

Classified By: Ambassador Charles English. Reasons 1.4 (b) and (d).

The Majority Speaks: Yes to Brcko  
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[1](#)1. (SBU) Two months of negotiating a constitutional amendment on Brcko District (Ref A) -- and thirteen years of USG engagement to make Brcko a self-sustaining, multiethnic district -- culminated in the amendment's overwhelming support in both houses of Parliament. The House of Representatives (HoR) convened a special session on March 25 -- simultaneously with the PIC -- to hold the second, final, reading on the Brcko amendment. Of the 40 delegates present, 36 -- including Haris Silajdzic's Party for BiH (SBiH) -- voted in favor. (Note: One delegate each from SBiH and Milorad Dodik's Alliance of Independent Social Democrats, SNSD, was ill and could not attend the session. All other delegates were present. End Note) Both delegates from the Serb Democratic Party (SDS) abstained, and Momcilo Novakovic from Dragan Cavic's new Democratic Party (DS) did not vote. The only delegate who voted against the amendment was Hadzi Jovan Mitrovic from the Democratic People's Alliance (DNS). The only approved change to the amendment was the technical proposal by Party of Democratic Action (SDA) HoR delegate Sefik Dzaferovic to add a clause stating when the amendment will take effect. Four other parties -- SBiH, DS, SDS, and DNS -- proposed changes to the text, but SBiH and DS withdrew their proposals just before the vote. The two remaining amendments were rejected with 26 votes against. In the House of Peoples (HoP), the amendment passed on March 26 with 14 votes in favor and one (SDS) abstention. The amendment will take effect on April 3.

A Cornered Silajdzic Acquiesces  
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[1](#)2. (C) Most major parties consistently supported the amendment throughout the process, but SBiH -- and in particular party president Silajdzic and his close advisors -- made an ardent effort to derail it from the beginning. Silajdzic publicly spoke out against the amendment on February 8, immediately after the amendment moved to the Council of Ministers (Ref B); the next day his advisors began circulating a legal brief against the amendment. Silajdzic thereafter kept quiet in public, but his advisors and NGO allies -- encouraged by his advisors -- engaged in a public campaign against the amendment, unscrupulously supporting and fueling conspiracy theories that accused the USG of using the amendment to precipitate the division of Bosnia. Silajdzic's

people further accused the Embassy and PDHR Gregorian of pursuing a policy on Brcko divorced from that of Washington, suggesting that Chief Arbiter Owen and Washington principals opposed the amendment and accusing PDHR Gregorian, Ambassador, and others of "lying" about Owen's and Washington's positions. Silajdzic's decision to reverse course and instruct his party to support the amendment was only made the day before the vote in the HoR. We believe Silajdzic backed off for several reasons:

-- First, we and OHR moved quickly to secure the support of all other major parties in February, isolating Silajdzic -- including among Bosniak parties -- and maintain it in the weeks leading up to the vote.

-- Second, we worked behind the scenes to explain the amendment to the major Bosniak media outlets and debunk SBiH's false claims about it. As a result, the outlets carried favorable coverage of the amendment throughout the process, culminating in editorial endorsements by the two most influential Bosniak dailies the week of the vote.

-- Third, Secretary Clinton's letter to Foreign Minister Alkalaj endorsing the amendment (Ref C), which was delivered the weekend before the vote and which Alkalaj shared with the Presidency, gave Silajdzic notice that Washington in fact supported the amendment. Its subsequent publication in two dailies made that point clear to the Bosnian public.

-- Fourth, Silajdzic confronted dissension within the SBiH ranks over his initial decision to oppose the amendment,

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which many -- including SBiH's Brcko members -- viewed positively. Many in the party remain angry with Silajdzic's failure to take the 2008 municipal elections more seriously and blame him for the party's drubbing by SDA. Though Silajdzic retains control of SBiH, the municipal election fiasco heightened his subordinates' inclination to challenge him.

-- Fifth, isolated, out-maneuvered, and facing dissent within his own party, Silajdzic had no choice but to join the consensus, albeit grudgingly. Despite his longstanding opposition to the amendment and his attempts to derail it, we expect Silajdzic will now highlight his party's support for it and claim that this proves his willingness to compromise and play a constructive role in Bosnian politics. (Note: Alkalaj, an SBiH minister, has already begun to do this, claiming for himself the success of turning around Silajdzic's position, in fulfillment of his promise to Deputy Secretary Steinberg to do so. End Note.)

Comment: What the Passage Means

13. (C) The passage of this amendment is a victory on several fronts: 1) as the country's first constitutional amendment, it may open the door for step-by-step constitutional reform (see paragraph 4); 2) it restores some of the credibility the USG lost after the failure of the April package; 3) it closes the door on an essential requirement for OHR closure; 4) it affords Brcko District the constitutional protections it needs to sustain itself after the closure of Supervision; and 5) it undercuts Haris Silajdzic's standing among Bosniaks and potentially undermines the appeal of his counterproductive "all or nothing" agenda. We should not expect an about-face on Silajdzic's approach to constitutional reform or other issues, but most observers see Silajdzic as a political loser in the Brcko amendment battle.

Comment: All Eyes on Constitutional Reform

14. (C) The deliberation in both Houses of Parliament preceding the vote underscored that many parties view the

Brcko amendment as the first step in a broad constitutional reform process. During the PIC, SDA chairman Sulejman Tihic noted that the Prud troika -- including Dodik and Croatian Democratic Union (HDZ)-BiH chairman Dragan Covic -- agreed to launch an initiative in Parliament to begin reform talks, though it is unclear just what the three men have in mind. Parties will look to the USG to determine what role we will play in the reform process. We will need to think about how to respond, considering that reform talks without a strong USG role would be unlikely to produce constructive, sustainable results and, as the Prud-inspired debates on constitutional reform make clear, could further inflame ethnic tensions. Should we choose to engage, we will need to consider the process, parameters, substance, and timing of any US-led constitutional reform process. Two of our key challenges will be engaging the Serbs, who have expressly rejected the idea of international brokering of the reform process, and managing the Bosniaks -- especially Silajdzic's siren call that constitutional reform should abolish the Republika Srpska.

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